IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 11TH AUGUST 2006 / 20TH SRAVANA 1928

Bail Appl..No. 4950 of 2006

CRIME NO. 176/2006 OF FEROKE POLICE STATION

.....

PETITIONER/3RD ACCUSED.

SHAHUL HAMEED, AGED 30 YEARS,
ARANGIL HOUSE, MUTHUVATTIL, PALLICKEL P.O.
CHELEMBRA, MALAPPURAM.

BY ADV. SRI.ANIL THOMAS(T)
SMT.K.V.RESHMI
SRI.ARUL GEORGE SCARIA

RESPONDENTS: COMPLAINANT/STATE.

---

1. THE S.I. OF POLICE,
FEROKE POLICE STATION,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4950/2006

DATED THIS THE 11TH DAY OF AUGUST, 2006

O R D E R

The petitioner is the third accused, in crime No.176/2006 of Feroke Police Station. It is alleged that thirty two empty gas cylinders were transported in the vehicle, belonging to the petitioner, by the accused Nos. 1 and 2, and the first accused was travelling in the said vehicle on 27.7.2006, when the vehicle was intercepted, and the cylinders were seized. The petitioner was involved in refilling the authorised domestic gases in the unauthorised empty gas cylinders, then sell the same to the customers and get money from them on the commercial rate. The first accused, on arrest, was interrogated and he deposed that gas cylinders were belonging to the third accused, the petitioner herein.

2. However, Ms. K.V.Rashmi submitted that the second accused was a friend of the petitioner, third accused, and he misused the vehicle for transporting gas

cylinders and the petitioner, had got no connection with the entire conduct of unauthorised filling and supply of gas to the customers. The offence alleged against the accused, three in number, are under Sections 6 and 3(b) of the Liquid Petroleum gas (Regulation of Supply and Distribution) order, 2000 as well as Section 7(1) and (2) of the Essential Commodities Act.

3. In the above facts situation of the case, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.176/2006 of Feroke Police Station, on 18.8.2006 between 10.30 a.m and 11.00 a.m. The Investigating Officer shall interrogate the petitioner and produce him before the competent Magistrate Court on the same day itself.

4. If the continued interrogation of the petitioner is required, the investigating Officer may move an application for the same before the Court below.

5. On production, the petitioner may also move an application for bail and the learned Magistrate shall

consider the said application(s) as per the law.

6. If there is no prayer for custodial interrogation, subject to the requirement of further investigation, the learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs